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July 23, 1992

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FEDERAL COMMUNICATIONS
OFFICE OF TELECOMMUNICATIONS

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Ms. Donna Searcy
Secretary of Federal
Communications Commission
1919 M Street, NW
Washington, D.C. 20054

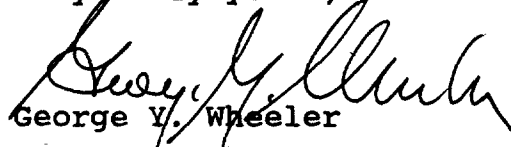
RE: Petition for Rulemaking of North American Teletrac and
Location Technology, Inc. RM No. 8013

Dear Ms. Searcy:

Transmitted herewith on behalf of Mark IV IVHS Division are an original and 9 copies of its comments in the above-captioned proceeding.

In the event that there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


George Y. Wheeler

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 23 1992

RM No. 8013 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Petition for Rulemaking of)
North American Teletrac and)
Location Technology, Inc.)
Amendment of Section 90.239)
of the Commission's Rules to)
Adopt Permanent Regulations)
for Automatic Vehicle)
Monitoring Systems)

TO: The Commission

COMMENTS OF MARK IV IVHS DIVISION

Mark IV IVHS Division ("Mark IV") submits the following comments in opposition to grant of the above-captioned Petition for Rulemaking of North American Teletrac and Location Technologies, Inc. ("North American Teletrac").

As a provider of Automatic Vehicle Monitoring ("AVM") Systems, Mark IV is vitally interested in improving and expanding the services and facilities which it offers to its customers utilizing the 902-928 MHz frequency range. It has been actively involved in the development of AVM services and facilities throughout the United States for a number of years. It has a built and operated "state-of-the-art" AVM facilities in nine states and has remained in the forefront of the deployment of innovative AVM technologies.

Mark IV holds through a sister corporation Part 90 authorizations for AVM facilities on frequencies in the 902-928 MHz band installed at more than 30 locations and has applications pending for additional locations in two states. Mark IV also holds an Experimental Authorization, Call Sign KK2XGY, under which it is continuing to develop and improve AVM technologies and services in the 902-928 MHz band. Based on its extensive experience in the development of AVM technologies, in the implementation of AVM installations and in its continuing involvement in the provision of AVM services, Mark IV is uniquely qualified to comment on the above-captioned proposal.

Mark IV supports the adoption of rules to permit AVM facilities and services to develop and expand. The Commission should commence Notice of Inquiry proceedings contemplating the adoption of permanent rules for the AVM service which will promote and expand the diversity of AVM services and the opportunities for the developers of those new services and facilities to obtain spectrum in the 902-928 MHz band. At the same time, we oppose the above-captioned proposal because it fails to give adequate recognition to system designs and technologies which are different from those employed by North American Teletrac.

By proposing only two exclusive AVM licensees per service area, the proposals of North American Teletrac do not begin to meet the needs of other service providers such as Mark IV. The

definition of a service area encompassing a 55 mile radius of most major urbanized areas would effectively preclude the expansion or new development of Mark IV's AVM facilities and services in vast areas. The exclusivity requested by North American Teletrac would unnecessarily limit competitive sources of supply of "location" services and diminish the opportunities for innovative new services.

The frequency bands affected by the North American Teletrac proposal are currently used for AVM applications different than those described in that proposal, and these services are considered crucial by transportation agencies for the development of new high technology solutions to our existing transportation problems. A number of projects involving such agencies and customers as toll authorities in various states (California, Florida, Virginia, New York, Louisiana, Texas, Georgia, New Jersey, Pennsylvania), the Department of Transportation of numerous states including California, Arizona, Texas, New Mexico, Oregon, Washington, and Utah, and the Federal Highway Administration are all being implemented based upon licenses already granted or anticipated under the existing rules.

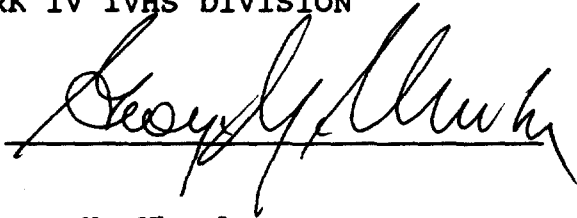
We strongly oppose grant of the Petition of Rulemaking filed by North American Teletrac. We request that, in the alternative, the Commission adopt a Notice of Inquiry to examine the full scope of AVM services in operation or under development. As the

Commission has learned in its ATV and PCS proceedings, as well as other proceedings, the premature adoption of rules too closely tailored to any particular technology or service proposal such as that proposed by North American Teletrac, will preclude opportunities for the development of emerging AVM technologies and services. Adoption of a Notice of Inquiry would provide essential background information on which to base permanent rules for AVM systems which will serve the public and now into the future.

Respectfully submitted,

MARK IV IVHS DIVISION

By

A handwritten signature in black ink, appearing to read "George Y. Wheeler", written over a horizontal line.

George Y. Wheeler
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(202) 467-5700

July 23, 1992

Its Counsel

CERTIFICATE OF SERVICE

I, Abbie Weiner, a secretary in the law firm of Koteen & Naftalin, do hereby certify that a copy of the foregoing "Comments of Mark IV IVHS Division" was sent by first class U.S. mail, postage prepaid, on this 23rd day of July, 1992 to the offices of the following:

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/s/ Abbie Weiner
Abbie Weiner